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Remarks

Claim 5 was rejected under 35 U.S.C. §112, second paragraph for indefiniteness. Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by or in the alternative under 35 U.S.C. § 103(a) as being obvious over Franca-Neto (U.S.P.N. 6,721,544, hereinafter Franca-Neta). Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Franca-Neta in view of Ruby *et al.* (U.S.P.N. US2002/015965, hereinafter Ruby). Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Franca-Neta in view of Sainton *et al.* (U.S.P.N. 6,134,453, hereinafter Sainton). Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Franca-Neta and Sainton as applied to claim 3 and further in view of Podgorski (U.S.P.N. 6,075,495).

Claim 5 would be allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Claims 6 and 7 were objected to as being dependent upon a rejected base claim.

35 U.S.C. §112, second paragraph – claim 5

Claim 5 was rejected under 35 U.S.C. §112, second paragraph for indefiniteness. In particular, the terms first node and node B lacked clarity.

The term "first node" has been replaced by "source of the second FET" while the term "node B" has been replaced by "source of the first FET". Support for the amendment is found in Figure 4 and paragraph [0016]. The rejection under 35 U.S.C. §112, second paragraph is believed to be overcome.

35 U.S.C. §102(b) anticipation/ §103(a) – claim 1

Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by or in the alternative under 35 U.S.C. § 103(a) as being obvious over Franca-Neto (U.S.P.N. 6,721,544, hereinafter Franca-Neta).

Claim 1 has been amended to include the limitation of claim 2.

35 U.S.C. §103(a) – claim 2

Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Franca-Neta in view of Ruby *et al.* (U.S.P.N. US2002/015965, hereinafter Ruby).

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Ruby is an improper §103 reference

US2002/015965

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Assignee: Agilent Technologies

10/008,492 (the present invention)

Filing date: 13 November 2001

Assignee: Agilent Technologies

Ruby is only a prior art reference under §102(e). Ruby and the present invention were under obligation of assignment to Agilent Technologies at the time the present invention was made. Ruby not a proper §103 reference because at the time, the present invention was made, the subject matter of the patent and the claimed invention were subject to an obligation of assignment to Agilent Technologies. Claim 2 is believed to be patentably distinct over the prior art.

The subject matter of claim 2 has been incorporated into claim 1. Claim 1 is believed to be allowable.

35 U.S.C. §103(a) – claim 3

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Franca-Neta in view of Sainton *et al.* (U.S.P.N. 6,134,453, hereinafter Sainton).

Claim 3 is believed to be allowable based on the patentability of currently amended claim 1.

35 U.S.C. §103(a) – claim 4

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Franca-Neta and Sainton as applied to claim 3 and further in view of Podgorski (U.S.P.N. 6,075,495).

Claim 4 is believed to be allowable based on the patentability of currently amended claim 1.

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Claim 6

Claim 6 has been cancelled. This limitation has been incorporated into claim 1.

Claim 7

Claim 7 is believed to be allowable based on the on allowability of independent claim 1 and the intervening claims.

Conclusion

If the Examiner has any further questions or would like to discuss this application in more detail, he is invited to call the applicant's agent at the telephone number given below. The applicant respectfully suggests that the claims presently in the application are distinct over the prior art and that the application is now in condition for allowance. Accordingly, the applicant solicits favorable action.

Respectfully submitted,
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